MINUTES

CITY OF IMPERIAL BEACH CITY COUNCIL PLANNING COMMISSION PUBLIC FINANCING AUTHORITY HOUSING AUTHORITY IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

JULY 16, 2014

Council Chambers 825 Imperial Beach Boulevard Imperial Beach, CA 91932

REGULAR MEETING - 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the City Council meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bilbray (arrived at 6:03 p.m.), Spriggs, Bragg

Councilmembers absent: None
Mayor Present: Janney
Mayor Pro Tem Present: Patton

Staff Present: City Manager Hall, City Attorney Lyon, City Clerk Hald,

Assistant City Manager Wade, Public Works Director Levien: Administrative Services Director Bradley

PLEDGE OF ALLEGIANCE

EAMMON GARLAND, Eagle Scout Candidate, lead everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY recommended taking Item No. 5.1 immediately after the Consent Calendar.

COUNCILMEMBER SPRIGGS requested discussion on Item Nos. 2.4 and 2.6.

MOTION BY JANNEY, SECOND BY PATTON, TO TAKE ITEM NO. 5.1 IMMEDIATELY AFTER THE CONSENT CALENDAR AND TO TAKE ITEM NOS. 2.4 AND 2.6 OFF THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG reported that she and Mayor Janney attended the Chamber of Commerce meeting where the new Chamber of Commerce Board Members were sworn into office.

COUNCILMEMBER SPRIGGS reported on the successful 4th of July Fireworks show and he commended the community volunteers who raised funds for the event and City staff for assisting with the event.

MAYOR PRO TEM PATTON announced the following upcoming weekend events: the Sandcastle Ball on Friday night, the Pancake Breakfast and parade on Saturday morning and the Sun and Sea Festival on Saturday. He reported on his attendance at the Dog Surfing Contest and thanked the volunteers who helped make the event happen.

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MAYOR JANNEY also reported on his attendance at the Dog Surfing Contest and he thanked the Kiwanis Club for recently hosting the Annual City Appreciation Day Luncheon for employees. Both Councilmember Bilbray and Former Mayor Bilbray attended the luncheon.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER HALL also thanked the Kiwanis Club for hosting the Annual City Appreciation Day Luncheon for employees.

PUBLIC COMMENT

CHARLES QUISENBERRY asked City Council to think in real world terms when considering a reduction in parking and narrowing lanes.

DAVE ELMORE asked City Council to continue to ban short term rentals in the R-1500 Zone. He also asked City Council to step up enforcement, to close the loopholes in enforcement and to increase penalties. He expressed concern about property owners who continue to: violate the City's ordinance against illegal short-term rentals, not pay Transient Occupancy Taxes and steal customers from the new hotel.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.3 & 2.5)

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1-2.3 AND 2.5. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the Regular and Special Meeting minutes of the June 18, 2014 City Council meetings.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 84747 through 84894 (84834 voided) with a subtotal amount of \$857,253.56 and Payroll Checks/Direct Deposits 45979 through 46036 for a subtotal amount of \$333,855.29 for a total amount of \$1,191,108.85.

- 2.3 RESOLUTION NO. 2014-7503 APPROVING A TWENTY-FOUR (24) MONTH EXTENSION FOR TRAFFIC ENGINEER SERVICES PER THE AGREEMENT WITH KOA CORPORATION DATED 6 OCTOBER 2011. (0750-05)
 - 1. Received report:
 - 2. Adopted Resolution No. 2014-7503 authorizing the Public Works Director to provide a written notification to KOA Corporation of the twenty-four (24) month extension, with an Agreement as extended to expire on October 5, 2016 and directing staff to prepare and execute an addendum to the Contract between the City of Imperial Beach and KOA Corporation for the Traffic Engineering Services extending the Agreement for twenty-four (24) months.
- 2.5 ADOPTION OF RESOLUTION NO. 2014-7505 AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. TO PROVIDE AMBULANCE SERVICES IN THE CITY OF IMPERIAL BEACH IN CONJUNCTION WITH THE EXCLUSIVE OPERATING AREA THAT INCLUDES THE CITY OF CHULA VISTA, THE CITY OF IMPERIAL BEACH, AND THE BONITA/SUNNYSIDE FIRE PROTECTION DISTRICT. (0250-20) Adopted resolution.

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ORDINANCES - INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2014-1146: ZONING IMPLEMENTATION OF THE 2013-2021 IMPERIAL BEACH HOUSING ELEMENT (GPA 100060). MF 1060

MAYOR JANNEY declared the public meeting open.

CITY MANAGER HALL reported on the item. He noted that the City adopted a Housing Element as required by State law and the Housing Element was later adopted and approved by the State. The changes under consideration this evening would make the Zoning Ordinance consistent with the Housing Element.

ASSISTANT CITY MANAGER WADE gave a PowerPoint presentation on the item. He noted that staff is recommending removal of Housing Program 11 (Amend §19.42.070 by eliminating the lot combining restriction for development in the multiple-unit residential zones and including incentives to encourage the owner-initiated merger or consolidation of contiguous properties) because a lot consolidation restriction was specifically included in a City-wide initiative that was approved by the City voters in 1992, the input/comment letters received from the public and because the amendment would have a minor impact on the overall objective of identifying housing sites for all income levels. He then reviewed the zoning provisions that staff recommended for City Council's consideration.

CITY PLANNER NAKAGAWA gave the definitions of manufactured homes, mobile homes and prefabricated/modular homes. He also explained that transitional supportive housing is to be treated as regular residences.

CITY MANAGER HALL explained that what is before City Council this evening does not change the regulations we have on the books for assisted living.

In response to questions of Councilmember Spriggs, ASSISTANT CITY MANAGER WADE stated that on corridors where new development occurs, City Council has discretion. Occupancy of an existing single family home with a supportive housing facility would be difficult to operate economically without increasing density. He also noted that this type of development would be subject to review by the City Council. The types of development that the proposed definitions apply to would likely be subject to City Council's discretion.

CHUCK QUISENBERRY spoke in opposition to the ordinance.

GENE HILGER spoke in support for staff's recommendation to eliminate the lot consolidation provision. He encouraged City Council to vote against the changes that are not mandated by the State or Federal Governments and he spoke in opposition to higher density.

FRIEL ALLEN spoke in opposition to changing density.

DANTE PAMINTUAN encouraged City Council to consider staff's recommendation and he spoke in support for maintaining the City as it is because it has a good balance.

MARIE JOYCE spoke in support for a classic beach community and for being on the conservative side for meeting State compliance rules.

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NICHOLE HAZELTON said that creating higher density, combining lots and allowing lower income housing would put a halt to the increasing values of the housing market in Imperial Beach.

MAYOR JANNEY expressed appreciation for City staff looking into the lot consolidation issue and for determining that there was no need to include that element in the ordinance. He noted that the other elements must be considered as required by the State.

MAYOR PRO TEM PATTON expressed appreciation for the comments made by the public and he spoke in support for staff's recommendation to remove lot consolidation.

COUNCILMEMBER SPRIGGS noted that the community spoke very clearly when it came to adopting the current zoning plan. He spoke about the importance of staying true to the existing zoning and development plans and he noted that new development or substantial renovation would be subject to regulatory processes and City Council's oversight. He suggested paying close attention development projects as the State required zoning changes are implemented.

COUNCILMEMBER BRAGG spoke in support for moving the item forward and removing Housing Program 11.

CITY CLERK HALD read the title of Ordinance No. 2014-1146 "An Ordinance of the City Council of the City of Imperial Beach amending Title 19 (Zoning) of the Imperial Beach Municipal Code by implementing Programs 12 and 13 of the 2013-2021 (5th Cycle) Housing Element. MF 1060."

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO WAIVE FURTHER READING IN FULL AND SET THE MATTER FOR ITS SECOND READING AND ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING ON AUGUST 6, 2014.

ASSISTANT CITY MANAGER WADE commented that a project can be denied under discretionary review.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BRAGG, SECOND BY SPRIGGS, TO WAIVE FURTHER READING IN FULL AND SET THE MATTER FOR ITS SECOND READING AND ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING ON AUGUST 6, 2014. MOTION CARRIED UNANIMOUSLY.

REPORTS (5.1)

5.1 PROPOSED BSA EAGLE PROJECT PRESENTATION. (0920-40 & 0940-10)

PUBLIC WORKS DIRECTOR LEVIEN introduced the item.

EAMMON GARLAND, BSA Eagle Scout Candidate, gave a PowerPoint presentation on the item which is to landscape the nearly 3000 square foot dirt area of Sports Park where the previous 4th Street exit left Sports Park. He noted that I.B. Beautiful has yet to approve funding for the project.

MAYOR PRO TEM PATTON suggested that Mr. Garland revisit I.B. Beautiful to obtain funding.

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COUNCILMEMBERS SPRIGGS spoke in support for the project.

CONSENSUS OF CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR EAMMON GARLAND TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF.

MAYOR JANNEY announced that the I.B. Women's Club donated a bench that was installed at Veterans Park and he thanked Councilmember Bragg for spearheading the project.

PUBLIC HEARINGS (4.1)

4.1 AT&T (APPLICANT); REGULAR COASTAL PERMIT (CP 140002), CONDITIONAL USE PERMIT (CUP 140003), DESIGN REVIEW CASE (DRC 140004), AND SITE PLAN REVIEW (SPR 140005) TO CONSTRUCT A NEW WIRELESS TELECOMMUNICATIONS FACILITY AND EQUIPMENT SHELTER AT 800 SEACOAST DRIVE (APN 626-262-02-00) IN THE C/MU-2 (SEACOAST COMMERCIAL & MIXED-USE) ZONE. MF 1140; RESOLUTION 2014-7502. (0600-20 & 0800-50)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER HALL introduced the item.

SENIOR PLANNER FOLTZ gave a PowerPoint presentation on the item.

ED KRAVITZ questioned who receives the revenue generated from the cell phone tower.

ASSISTANT CITY MANAGER WADE responded that the Successor Agency to the Redevelopment Agency is in a contractual relationship as part of the agreement for the development of the property. Under that agreement, the developer is entitled to engage in leases (or permitted transfers) with businesses such as the restaurant, the spa and AT&T. He also stated that the developer, Imperial Coast LP, is the sole recipient of revenue from the AT&T facility.

CATHY LIM, representing AT&T Mobility, stated that requests for benefits to the City should go through Christine Moore, External Affairs Representative.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION 2014-7502 APPROVING REGULAR COASTAL PERMIT (ACP 140002), CONDITIONAL USE PERMIT (CUP 140003), DESIGN REVIEW CASE (DRC 140004), AND SITE PLAN REVIEW (SPR 140005), WHICH MAKES THE NECESSARY FINDINGS FOR A WIRELESS TELECOMMUNICATIONS FACILITY AND EQUIPMENT SHELTER CONCEALED WITHIN THE PIER SOUTH HOTEL AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (5.2 - 5.4)

5.2 COUNTY OF SAN DIEGO (APPLICANT); PRELIMINARY ALTERNATIVE PARKING REVIEW FOR THE PROPOSED NEW PUBLIC LIBRARY AT 810 IMPERIAL BEACH BOULEVARD (APN 626-400-54-00). MF 1067. (0150-20)

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SENIOR PLANNER FOLTZ reported on the item. He noted that if a parking agreement between the County of San Diego and St. James Church is not reached, a parking alternative is needed so that the County of San Diego can approve sending out the Request for Proposals this month. He continued with a review of the parking alternative concept.

ASSISTANT CITY MANAGER WADE stated that the shared parking agreement with the City is an alternative to the agreement with the Church. The specifics of the shared parking agreement would later be brought forward for City Council's consideration.

MAYOR JANNEY spoke in support for pursuing negotiations with the Church and for "head-in" parking.

COUNCILMEMBER SPRIGGS was hopeful that negotiations with the Church are accomplished. He spoke about the importance of ensuring that the facility is completely accessible to everybody. He supported perpendicular parking to increase the amount of parking spaces, which could allow for more spaces designated for seniors or for people with disabilities.

COUNCILMEMBER BRAGG thanked the Boys and Girls Club for partnering with the City and she thanked staff for continuously looking for resolutions to issues that arise. She supported "head-in" parking.

MAYOR PRO TEM PATTON recommended that the parking spaces not be narrowed and be made wide enough to accommodate the width of a truck. He spoke in support for plenty of handicap spaces and for additional bike racks.

CONSENSUS OF CITY COUNCIL TO DIRECT STAFF TO NEGOTIATE A SHARED PARKING AGREEMENT BETWEEN THE CITY AND THE COUNTY TO PROVIDE APPROXIMATELY TWENTY-ONE (21) PARKING SPACES ON THE SOUTHERN PORTION OF THE BOYS AND GIRLS CLUB, IN THE EVENT A PARKING AGREEMENT CANNOT BE REACHED BETWEEN THE COUNTY AND THE CHURCH.

5.3 FISCAL YEAR 2014 FINANCIAL UPDATE. (0330-30)

ADMINISTRATIVE SERVICES DIRECTOR BRADLEY gave a PowerPoint presentation on the item.

COUNCILMEMBER SPRIGGS stated that he is not comfortable with the revenues and expenses having a close difference of \$60,000. He noted that it is great that the budget is positive but it is almost negligible. He stressed that it will be difficult to keep up with costs that escalate annually and he spoke about the importance of looking for opportunities to grow the sales tax and other sources of revenue and not cut it so fine in the future.

MAYOR PRO TEM PATTON stated that the City is not struggling and that it is solid. He spoke in support for looking at investments.

ADMINISTRATIVE SERVICES DIRECTOR BRADLEY reported on how some of the auditor's findings were responded to and resolved.

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5.4 AUTHORIZATION TO NEGOTIATE AN AGREEMENT TO PROVIDE CITY FINANCIAL ASSISTANCE TO FACILITATE POTENTIAL DEVELOPMENT AT 1046 SEACOAST DRIVE. (0660-43)

ASSISTANT CITY MANAGER WADE gave a PowerPoint presentation on the item.

DANTE PAMINTUAN spoke in support for generating revenue but expressed concern about parking, increased density, and he said that there are basic City services and maintenance that haven't been completed. He said that there are people in the community who have ideas and suggested that the item be tabled so that a public workshop can held to allow the public to provide comments on how the property should be developed.

CHUCK QUISENBERRY spoke in opposition to the item. He supported Mr. Pamintuan's suggestion of tabling the item and holding a public workshop.

BOB MILLER stated that the location is a world class site that deserves a world class design. He said that although there are other needs in the City, those needs can be satisfied with more revenue. He also added that this development is needed and it is the best we can do on Seacoast Drive.

CONGRESSMAN BRIAN BILBRAY stated that since the 1970's there have been numerous hearings, general plans, and encounter groups with the public where there has been general consensus that this location is an essential site for the community. He noted that in the City of Coronado there are great parks and sidewalks because they have hotels that generate a lot of money allowing the City Council the ability to give their citizens what they want and to be able to afford to buy those improvements in the long term. He stressed that this is an opportunity that the City has been trying to move forward on for a long time and that this is an opportunity to take Imperial Beach money and invest it into Imperial Beach's future.

COUNCILMEMBER SPRIGGS stated that the budget is barely balanced and questioned how the annual 5% increase in public safety contracts would be addressed in order to keep the community safe. He stressed the need for the City to have revenue growth and that there is a need to smartly use I.B.'s locational benefits (i.e. estuary, beach, and bay) to ensure the future and prosperity of the community. He spoke against having a condemned property in the heart of the beachfront. He supported a public discussion but he stressed that this is a private transaction where a private owner is having negotiations with another private owner. There is an option on this property that must be acted on and there is a limited amount of time. He spoke about the necessity for a revenue base that allows for the City to take care of its residents and not rely on only a \$60,000 surplus. He spoke in support for empowering City staff to be part of the discussions and to come back to City Council with the best arrangement for the City.

PAUL MARRA, Managing Principal with Keyser Martson Associates (KMA), stated that it is not uncommon for high-quality hotels in not yet established markets to require a subsidy. He said that in terms of revenue, the highest and best use for a city for a piece of property is a hotel because the city gets 10% of the room revenue. If directed to proceed, KMA would work with staff to bring back the best deal possible. He commented that the developer is highly qualified, their restaurant at Tower 23 is a major draw and revenue generator and that there is potential for spin-off benefits.

STEVE SMITH, Vice President of Operations for Eat.Drink.Sleep., spoke about the hotels and restaurants of Eat.Drink.Sleep and their desire to build a hotel in Imperial Beach.

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ASSISTANT CITY MANAGER WADE spoke about the time constraint on the transaction between the development team and the property owner, the spinoff benefit of a restaurant across the street from the Pier South Hotel that experienced a 300% increase in revenue in the 4th quarter of 2012 to the 4th quarter of 2013, and the condition of the current property.

COUNCILMEMBER BRAGG spoke in support for the project.

MAYOR PRO TEM PATTON stated that the options are to fix up the current property, have a limited service hotel or have a high quality hotel by a proven developer. He noted that development of the property has been ongoing since 2002 with several public workshops held over the years. With regard to development of the property, he questioned the impacts during construction, if there would be building delays, how soon until completion and how long until the City receives revenues. He stressed that street end parking should be free and should have the same time restrictions as they are now, that the views of the surf should not be blocked and that there should be flexibility in aesthetics and not build a big box hotel. He noted that Pier South is a world class hotel and now there is a chance to have another one. This hotel would be a perfect bookend for Seacoast Drive and synergistically bring in revenues that can be put back into the community.

COUNCILMEMBER BILBRAY concurred with the comments made by his colleagues. He spoke in support for bringing this type of project to Imperial Beach and stated that this type of revenue generating project will ensure that there will be an Imperial Beach for his kids and grandkids.

MAYOR JANNEY also agreed with the comments of his colleagues. He spoke in support for the project and for directing staff to work on a deal that will work for Imperial Beach and the developer.

CITY MANAGER HALL stated that the City is trying to strike a balance with what the community wants which is a 40 foot hotel. This limits the ability to recoup the revenues necessary to get the funding for this type of a project. With regard to parking, it would be subterranean which is expensive. He noted that the identified funding is from outside of the monies that were set aside for other projects. He asked City Council to direct staff to accomplish the goal of investing one time monies that can increase base revenues and realize a higher rate of return than what is projected for other investments.

CONSENSUS OF CITY COUNCIL TO AUTHORIZE THE CITY MANAGER AND STAFF TO NEGOTIATE AN AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND PACIFICA ENTERPRISES AND EAT, DRINK AND SLEEP TO PROVIDE CITY FINANCIAL ASSISTANCE TO FACILITATE DEVELOPMENT ON THE PROPERTY AT THE NORTHWEST CORNER OF IMPERIAL BEACH BOULEVARD AND SEACOAST DRIVE (1046 SEACOAST DRIVE).

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

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ITEMS PULLED FROM THE CONSENT CALENDAR (2.4 & 2.6)

2.4 RESOLUTION NO. 2014-7504 AWARDING A CONTRACT WITH NV5 TO UPDATE THE DESIGN AND CONSTRUCTION DOCUMENTS FOR FOURTEEN CITY ALLEY BLOCK IMPROVEMENTS. (0720-08)

CITY MANAGER HALL reported that the Engineer that worked for Atkins Engineering has left that firm and gone to a new firm. Since the plans for the alleys need to be updated, it is necessary to approve a contract with the new firm.

COUNCILMEMBER SPRIGGS understood that the City wants the same person to work on the project but questioned if the new firm is in the best interest of the City in terms of rates and overhead.

PUBLIC WORKS DIRECTOR LEVIEN responded that the schedule of wages that were negotiated with Atkins is the same as NV5 so there is no change in cost.

DANTE PAMINTUAN stated that 30 alleys were identified and only 14 will be improved. He questioned if the other alleys would be improved.

MAYOR JANNEY stated that there was a process to determine which alleys are priorities for improvement. He also stated that if there was more funding available, he was hopeful that this City Council or future City Councils would consider paving the other alleys.

COUNCILMEMBER BILBRAY stated that there is a policy in place should property owners contribute funds to have alleys improved.

MOTION BY SPRIGGS, SECOND BY PATTON TO APPROVE THE AWARD OF A CONTRACT WITH NV5 TO UPDATE THE PLANS AND SPECIFICATIONS FOR THE 14 ALLEY BLOCKS AS SHOWN IN THE STAFF REPORT, AUTHORIZE THE CITY MANAGER TO SIGN A CONTRACT WITH NV5 FOR THE SCOPE OF WORK NECESSARY TO UPDATE THE PLANS AND SPECIFICATIONS FOR THE 14 ALLEY BLOCKS AS SHOWN IN THE STAFF REPORT, AND AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER WITH NV5 FOR THE UPDATE OF THE PLANS AND SPECIFICATIONS FOR THE 14 ALLEY BLOCKS AS SHOWN IN THE STAFF REPORT. MOTION CARRIED UNANIMOUSLY.

2.6 RESOLUTION NO. 2014-7506 AWARDING A PUBLIC WORKS CONTRACT; TO WIT: RTIP FY 11-12 (STREET IMPROVEMENTS) CIP # S12-104. (0250-20)

COUNCILMEMBER SPRIGGS stated that he pulled the item for discussion in an effort to be transparent because a substantial amount of funds is being awarded to a new contractor.

PUBLIC WORKS DIRECTOR WADE gave report on the item and explained that the original contractor pulled out of the project due to delays caused by SDG&E.

MOTION BY SPRIGGS, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2014-7506 AWARDING A CONTRACT TO THE LOWEST RESPONSIVE BIDDER; AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT WITH THE LOWEST RESPONSIVE BIDDER. MOTION CARRIED UNANIMOUSLY.

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ADJOURNMENT	AD	JO	UF	RN	M	E١	ΙT
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MAYOR JANNEY adjourned the meeting at 9:03 p.m.

	/s/		
	James C. Janney, Mayor		
/s/			
Jacqueline M. Hald, MMC			
City Clerk			